

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Renenergy, Inc.
461 OH-61
Marengo, Ohio 43334**

ATTENTION:

**Ms. Cari Oberfield
cdoberfield@renenergy.com**

Request to Provide Information Pursuant to the Clean Water Act

The U.S. Environmental Protection Agency (EPA) is requiring Renenergy, Inc. (Renenergy) to submit certain information about all facilities owned and/or operated by Renenergy in the state of Ohio, including the facilities located at 2279 Country Road 156, Cardington, Ohio 43315 and 1146 Herr Road, Fairborn, Ohio 45324. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to schulte.matthew@epa.gov, explaining the specific impacts on your ability to respond.

We are issuing this information request under Section 308(a) of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out an objective of the Act, the Administrator of EPA shall require

the owner or operator of any point source to: establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as the Administrator may reasonably require.

Renergy owns and/or operates point sources in the state of Ohio, including at 2279 Country Road 156, Cardington, Ohio 43315 and 1146 Herr Road, Fairborn, Ohio 45324. We are requesting this information to determine whether this source is complying with the CWA.

Renergy must send all required information to R5WECA@epa.gov and to schulte.matthew@epa.gov. If, for some reason, materials cannot be transmitted electronically, submissions can be sent to:

Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 5
Attn: Matthew Schulte, ECW-15J
77 W. Jackson Boulevard
Chicago, Illinois 60604

Renergy must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

As explained more fully in Appendix A, Renergy may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information

submitted to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If Renergy does not assert a business confidentiality claim when submitting the information, EPA may make this information available to the public without further notice. Renergy should be aware, however, that pursuant to Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. § 2.302(e), effluent data, standards, and limitations are not eligible for confidential treatment.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

We may use any information submitted in response to this request in an administrative, civil or criminal action. Failure to comply fully with this information request may subject Renergy to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001 and 1341.

You should direct any questions about this information request to Matthew Schulte at 312-886-2405 or by email at schulte.matthew@epa.gov.

Date

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Confidential Business Information and Personally Identifiable Information Notice

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at 40 C.F.R. Part 2. Please clearly identify portions of otherwise non-confidential documents that you are claiming as confidential. Failure to furnish a confidentiality claim with your response to the information request may result in the information being made available to the public without further notice to you. EPA’s

confidential business information (CBI) regulations are at 40 C.F.R. Part 2, Subpart B (sections 2.201-2.311). See <https://www.ecfr.gov>.

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as “Personal Privacy Information.” Disclosure of such information to the general public may constitute an invasion of privacy.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 5, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide a table of contents for the electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.*
4. Please provide documents claimed as CBI in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as CBI.
5. Certify that all electronic submittals including attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. § 1251 *et seq.*, or 40 C.F.R. Part 122.

1. “Act” or “CWA” means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
2. “Day” or “days” means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would

fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.

3. “Discharge of a pollutant,” as defined in Section 502(12) of the CWA, means *inter alia*, “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12).
4. “MGD” means millions of gallons per day.
5. “Municipal separate storm sewer system” or “MS4” is defined at 40 C.F.R § 122.26(b)(8) and includes:
 - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city...or other public body (created by or pursuant to State law) having jurisdiction over disposal of ... storm water
6. “Navigable waters,” as defined in Section 502(7) of the CWA, means “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).
7. “NPDES Permit” and “Permit” mean the permit issued in accordance with the National Pollutant Discharge Elimination System (NPDES) pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. In this Order, these terms mean any NPDES Permit issued by the State of Ohio for a facility owned and/or operated by Renergy effective anytime between January 1, 2016 to present, including NPDES Permit Nos. OH0142492 and OH0141411.
8. “Outfall” means a type of “point source,” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serves as a discharge point from the facility. “Outfall” followed by an Arabic numeral means that Outfall assigned that number in NPDES Permit Nos. OH0142492 and OH0141411 or any other facility NPDES Permit identified in response to question 1 of Appendix B.
9. “Record” or “records” means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
10. “Storm water” shall mean storm water runoff, snow melt runoff, surface runoff and drainage.
11. “Site” means the property located at 2279 Country Road 156, Cardington, Ohio 43315 and 1146 Herr Road, Fairborn, Ohio 45324, and any other addresses identified in response to question 1 of Appendix B.

12. “Wastewater” shall mean any water/liquid and all material conveyed with that water/liquid that contains process wastewater, discarded material, noncontact cooling and/or heating water, or domestic wastewater.
13. “You” or “Your” for purposes of this Information Request refers to Renergy and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of Renergy.
14. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
15. “Pollutant,” as defined in Section 502(6) of the CWA, means “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
16. “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined in Section 212 of the CWA, 33 U.S.C. § 1292(2), that is owned by a State, Tribe, or a municipality (as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4)). Pursuant to 40 C.F.R. § 403.3(q), the definition of POTWs includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4), that has jurisdiction over indirect and direct discharges to such a treatment works.

Appendix B

Information You Are Required to Submit to EPA

Renergy must submit the following information pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a):

1. Provide the following for all facilities owned and/or operated by Renergy in the State of Ohio, including the facilities located at 2279 Country Road 156, Cardington, Ohio 43315 and 1146 Herr Road, Fairborn, Ohio 45324:
 - a. Identify the name and address of the facility;
 - b. Identify the name and address of the owner and operator of the facility for the period of January 1, 2016 to the present;
 - c. Provide a complete copy, if any, of the NPDES Permit and NPDES Permit application in effect for the facility for the period of January 1, 2016 to the present; and
 - d. If the facility does not have an NPDES permit, provide a detailed explanation why it does not.
2. For each facility identified in response to Question 1, where applicable, provide a map or diagram along with a narrative description of the facility that clearly identifies and labels:
 - a. All access points and roads;
 - b. All processing and manufacturing units;
 - c. Raw material storage locations;
 - d. Intermediate products storage locations;
 - e. Final Products storage locations;
 - f. By-product locations;
 - g. Waste storage locations;
 - h. Wastewater collection and conveyance features;
 - i. Wastewater treatment equipment;
 - j. Sludge storage facilities;
 - k. Sludge drying, processing and transfer facilities;
 - l. Storm water collection features and ponds;
 - m. Drainage features;
 - n. Locations of tile drains and their outlets;
 - o. Land application fields used for wastewater and sludge disposal;
 - p. Permitted outfalls;
 - q. All locations where any wastewater leaves the facility, other than permitted outfalls; and
 - r. Receiving waters.
3. Provide the name and title of the manager or responsible person for the operations of each facility identified in response to Question 1, for January 1, 2016 to the present.
4. Provide a detailed, narrative description of the current operations at each facility identified in response to Question 1 including:

- a. Nature and average monthly quantity and/or volumes of waste received by facility;
 - b. Description of treatment provided to waste received by the facility; and
 - c. Any changes in the operations of the facility, including in the nature of waste received by facility or treatment provided to the waste, that has occurred since January 1, 2016.
5. For each facility identified in response to Question 1, for January 1, 2016 to the present:
- a. Identify if the facility uses or produces digester effluent;
 - b. Identify if the facility uses or produces biosolids;
 - c. Describe the processes by which the facility treats digester effluent or biosolids and include the quantities and/or volumes that are treated on a weekly basis;
 - d. Provide the locations where digester effluent and biosolids are stored along with the size and/or volume capacities of the storage containers;
 - e. Provide the processes by which digester effluent and biosolids are transferred along with the average quantity and/or volume transferred on a monthly basis;
 - f. Provide the processes by which digester effluent and biosolids are beneficially used;
 - g. Identify if a third party is involved in the beneficial reuse and land application of digester effluent or biosolids;
 - h. If yes to g, provide the name, address, and contact information of the third party;
 - i. If yes to g, provide the locations where digester effluent and biosolid beneficial reuse has occurred;
 - j. Identify whether any digester effluent, biosolids, or other materials received or generated were not beneficially reused ; and
 - k. If yes to j, describe how the facility handled and disposed the materials not beneficially reused and provide the quantities and/or volumes.
6. Provide the following information for any monitoring that has been performed at the facilities identified in response to Question 1, as required by an NPDES permit, at any time since January 2016, including all monitoring results and including any discharge monitoring reports. At a minimum, the following must be provided for each monitoring event:
- a. Date, time, and place (specific location) of each sample or measurement taken;
 - b. The person(s) who collected the samples or measurements, including their title(s) and affiliation(s) to the facility;
 - c. Flow rate at the time of the sampling or measurement;
 - d. Sampling methods employed in collecting and processing each sample;
 - e. Whether the sample(s)/measurements are a true representation of daily operations, normal work cycles, and then-present conditions at the facility;
 - f. Who analyzed the samples and whether this person is an employee of the facility or a contractor (and, if a contractor, the name of the contractor);
 - g. Sample analysis test methods;
 - h. Results of all monitoring, including all sample analysis (both daily maximum and average concentration for each parameter analyzed, as applicable);

- i. Whether the samples or monitoring results have ever been submitted to the City of Cardington, City of Fairborn, OEPA, or EPA and, if so, on what date(s) or approximate date(s). Provide copies of any such submittals;
 - j. Whether the monitoring results indicated noncompliance; and
 - k. If yes to j, what corrective actions were taken to resolve noncompliance.
7. For the monitoring system and procedures at each facility identified in response to Question 1, provide the following information, including any modifications thereto, as applicable from January 1, 2016 to the present:
 - a. A clear description of each monitoring location(s) in relation to the wastewater streams at your facility, including but not limited to the streams described in response to Question 2 above;
 - b. A diagram that clearly identifies and labels the monitoring system components;
 - c. A document identifying the monitoring methods used and your justification for selecting these methods;
 - d. Photo(s) of the monitoring location(s); and
 - e. A diagram that clearly identifies and labels the setup of each monitoring point in relation to the facility process areas, the process water discharge point(s), and any wastewater treatment discharge point(s), including to a sewer.
8. For each facility identified in response to Question 1, provide copies of all written correspondence with the Ohio Environmental Protection Agency (OEPA) pertaining to any Notice of Violation (NOV) that may have been issued for the time period January 1, 2016 to the date of this request. Include issued NOVs and any corrective action plan along with dates, timelines, and current status of implementation for actions under the corrective action plan that was developed in response to issued NOVs. Provide all documentation, including reports, memos, and studies, to determine the final corrective action plan. In addition to the final corrective action plan, include all considered plans and technologies deemed infeasible.
9. For the reported release of pollutants to the waters of the United States that occurred in Morrow County on April 17, 2021 and for which a Notice of Violation dated April 17, 2021 was issued by OEPA, provide a narrative description of:
 - a. The date, time and duration of the release;
 - b. The volume and nature of the material released, including a description of how the volume was calculated;
 - c. The location(s) from which and to which the release occurred;
 - d. The cause(s) of the release;
 - e. How the release was discovered;
 - f. By whom the release was discovered;
 - g. The notification process after release discovery, to include for each notification:
 - i. date and time of notification;
 - ii. recipient of notification; and
 - iii. content of notification;
 - h. Corrective actions taken to halt the release, including the date and time of the actions;
 - i. Corrective actions taken to clean-up the release, including the date and time of the actions;

- j. Corrective actions taken to prevent future release, including the date and time of the actions; and
 - k. Actions taken to evaluate impact to the environment from the release, including a description of any monitoring (including visual monitoring), and the results of the evaluation.
10. For each facility identified in response to Question 1, provide a copy of the most recent Stormwater Pollution Prevention Plan (SWPPP), including all attachments and date of state or local government approval.
 11. For each facility identified in response to Question 1, provide a copy of the most recent Facility Operation Plan, including all attachments and date of state or local government approval.
 12. For each facility identified in response to Question 1, provide a copy of the most recent Spill Prevention, Control, and Countermeasure (SPCC) Plan, including all attachments and date of state or local government approval.
 13. For each facility identified in response to Question 1, provide notes, copies, or narrative descriptions of any citizen complaints, including the date of the complaint, received from January 1, 2016 to the date of this request. Provide all documentation of actions taken by facility in response.